

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WILLIAM SCHLAGNAUFER**

20 Belmont Avenue  
Ambler, PA 19002

*Plaintiff,*

vs.

**THOMAS JEFFERSON UNIVERSITY**

1015 Walnut Street  
Philadelphia, PA 19107

*Defendant.*

NO. \_\_\_\_\_

CIVIL ACTION

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff, William Schlagnauer, by and through undersigned counsel, hereby files the following Complaint against Defendant and avers as follows:

**INTRODUCTION**

1. Plaintiff has initiated this action to redress violations by Defendant of the Age Discrimination in Employment Act (“ADEA” - 29 U.S.C. §§ 621 *et. seq.*), the Americans with Disabilities Act (“ADA” - 42 U.S.C. 12101 *et seq.*) and the Pennsylvania Human Relations Act (“PHRA”)<sup>1</sup>. Plaintiff was unlawfully terminated by Defendant and has suffered damages more fully described/sought herein.

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<sup>1</sup> This is for notice purposes only as Plaintiff is required by law to wait one full year before filing a PHRA claim in a court of competent jurisdiction. *See* ¶6.

### **JURISDICTION AND VENUE**

2. This Court, in accordance with 28 U.S.C. § 1331, has jurisdiction over Plaintiff's claims because this civil action arises under laws of the United States.

3. This Court may properly maintain personal jurisdiction over each Defendant because each Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over each Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the Supreme Court of the United States in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

4. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

5. Plaintiff exhausted federal administrative remedies for his claims under the ADEA and ADA by first dual-filing a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and the Pennsylvania Human Relations Commission ("PHRC") and receiving a right to sue letter with a mailing date of April 16, 2021.

6. Plaintiff will seek consent or leave to amend this Complaint to incorporate a PHRA claim in this Court following the statutory one year waiting period. *See* 43 P.S. § 962(c).

### **PARTIES**

7. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

8. Plaintiff is an adult individual, with an address as set forth in the caption.

9. Defendant Thomas Jefferson University (“Defendant”) is believed and therefore averred to be a Pennsylvania non-profit corporation with a principal place of business at the above-captioned address.

10. At all times relevant herein, each Defendant acted by and through its agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for each Defendant.

### **FACTUAL BACKGROUND**

11. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

12. Plaintiff is a former employee of Defendant with a date of birth of February 13, 1961.

13. Plaintiff was 60 years old at the time his charge of discrimination was filed.

14. Plaintiff was employed by Defendant as an electrician for almost twenty (“20”) years having begun his career in or around 2001.

15. During Plaintiff’s career, Defendant’s corporate name and/or structure changed several times.

16. At all times relevant herein, Plaintiff was a hard-working employee and excellent electrician who performed his job well.

17. Plaintiff was unlawfully terminated on or about January 29, 2021.

18. Plaintiff was primarily supervised by Kimberly Piechuta (“Piechuta”) (Director of Maintenance).

19. Piechuta was in turn supervised by J. Thomas Becker (“Becker”) (Associate Vice President for Academic and Research Facilities).

20. Plaintiff was the oldest electrician employed by Defendant at the Jefferson East Falls Campus and suffered from considerable back problems.

21. By way of example, Plaintiff had rods and screws in his back and had discs replaced in the past.

22. As a consequence, Plaintiff has suffered from chronic back complications.

23. Plaintiff previously worked the 7 AM to 3 PM shift for Defendant.

24. Defendant at one point indicated they were shorthanded on the overnight shift (12 AM to 8 AM) and Plaintiff offered to help or fill in on the condition that the same be temporary.

25. Plaintiff was instead kept on the overnight shift for approximately fourteen (“14”) months until his unlawful termination.

26. In the preceding six (“6”) to eight (“8”) months leading up to Plaintiff’s unlawful termination, he **repeatedly** expressed to Piechuta, *inter alia*, that:

- a. He was having chronic back pain and problems;
- b. He needed his old shift back for medical reasons and to get proper rest due to his health and age;
- c. He could not help with certain snow removal due to his medical restrictions;
- d. He informed management that pain was “killing” him and that he was not sleeping;

27. Defendant **refused** to accommodate Plaintiff during his last year of employment despite his seniority, medical needs and the ability to **easily** accommodate his needs.

28. Plaintiff was terminated less than two (“2”) months after Defendant hired an electrician for the shift he sought as an accommodation (*which was originally his shift in the first place*).

29. Plaintiff's replacement on that shift was half his age.

30. The reason for Plaintiff's termination was outrageously absurd and pretextual.

31. The reason given to Plaintiff was that *many months* before his unlawful termination he allegedly made a comment on Twitter stating "No way Mr. Levin" in response to a posting about the COVID-19 pandemic made by Dr. Rachel Levine, the former Pennsylvania Secretary of Health and now Assistant Secretary for Health for the United States Department of Health and Human Services.

32. Defendant claimed that it was "well-known" that Dr. Levine is a transgendered and that Plaintiff's post was intentionally derogatory despite his protest that was an innocuous error.

33. In past discussions, Patrice R. Taveras (Senior HR Business Partner) had said to Plaintiff directly several times that she was going to find a reason to get rid of him.

34. Plaintiff believes and therefore avers that Defendant pretextually used the social media post to terminate him due to his disabilities, request for accommodations and because of his advanced age.

**COUNT I**  
**Violations of the Age Discrimination in Employment Act ("ADEA")**  
**([1]Age Discrimination and [2] Retaliation)**

35. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

36. Defendant terminated Plaintiff's employment because of his advanced age and replaced him with someone significantly younger.

37. These actions as aforesaid constitute unlawful discrimination under the ADEA.

38. Defendant also retaliated against Plaintiff for complaining that he needed his shift back in part because of his age.

39. Plaintiff has suffered damages as set forth more fully herein.

**COUNT II**

**Violations of the Americans with Disabilities Act “ADA”**

**[1] Actual/Perceived/Record of Disability Discrimination; [2] Retaliation; [3] Failure to Accommodate)**

50. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

51. Plaintiff was terminated because of [1] his actual and/or perceived disabilities; [2] his record of impairment; [3] his requested accommodation(s), which also constitutes unlawful retaliation.

52. Defendants also failed to engage in the interactive process and/or otherwise failed to accommodate him.

53. These actions as aforesaid constitute violations of the ADA.

54. Plaintiff has suffered damages as set forth more fully herein.

**WHEREFORE**, Plaintiff prays that this Court enter an Order providing that:

A. Defendant is to promulgate and adhere to a policy prohibiting discrimination in the future against any employee(s);

B. Defendant is to compensate Plaintiff, reimburse Plaintiff, and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to back pay, front pay, salary, pay increases, bonuses, insurance, benefits, training, promotions, reinstatement and seniority;

C. Plaintiff is to be awarded liquidated damages and/or punitive damages as appropriate, as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Defendant or other employers from engaging in such misconduct in the future;

D. Plaintiff is to be awarded double damages for his ADEA claims;

E. Plaintiff is to be accorded other equitable and legal relief as the Court deems just, proper and appropriate (including but not limited to damages for emotional distress, pain, suffering and humiliation); and

F. Plaintiff is to be awarded the costs and expenses of this action and reasonable attorney's fees as provided by applicable federal and state law.

G. Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted,

**KARPF, KARPF & CERUTTI, P.C.**



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Ari R. Karpf, Esq.  
W. Charles Sipio, Esq.  
Allison A. Barker, Esq.  
3331 Street Rd.  
Bldg. 2, Ste. 128  
Bensalem, PA 19020

Date: May 24, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon all counsel of record via this Court's CM/ECF system.

A handwritten signature in black ink, appearing to read 'Ari R. Karpf', is positioned above a horizontal line.

Ari R. Karpf, Esq.

Dated: May 24, 2021



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

William Schlagnaufer

v.

Thomas Jefferson University

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

5/24/2021

**Date**

(215) 639-0801

**Telephone**



**Attorney-at-law**

(215) 639-4970

**FAX Number**

**Plaintiff**

**Attorney for**

akarpf@karpf-law.com

**E-Mail Address**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 20 Belmont Avenue, Ambler, PA 19002

Address of Defendant: 1015 Walnut Street, Philadelphia, PA 19107

Place of Accident, Incident or Transaction: Defendant's place of business

**RELATED CASE, IF ANY:**

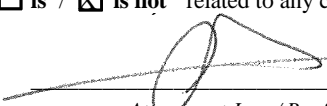
Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/24/2021

  
Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
- (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

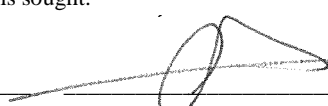
*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, Ari R. Karpf, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 5/24/2021

  
Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

